



10-18-04

1637  
Rfw

Docket No. 49651 (71526)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: S. Yokoyama, et al.

SERIAL NO.: 09/529,397

EXAMINER: C. B. Wilder

FILED: September 26, 2000

GROUP: 1637

FOR: NUCLEIC ACID CAPABLE OF BINDING SPECIFICALLY TO Ras  
TARGET PROTEIN

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**CERTIFICATE OF EXPRESS MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Mail Stop: Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 and designated by the "Express Mail" mailing label No. EV 437 819 664 US on October 15, 2004.

By   
Sharon Bizokas  
.....

Mail Stop: Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO RESTRICTION REQUIREMENT**

Sir:

Applicants are in receipt of the supplemental Restriction Requirement dated September 15, 2004 and request reconsideration of the above-identified application in view of the following remarks. Applicants appreciate the Examiner's thorough examination of the subject application.

Claims 19-35 are pending in the application. Applicants respectfully request that the amendments to the claims and the specification made in the response filed July 6, 2004 be entered.

In response to the Restriction Requirement, Applicants provisionally elect Group I, claims 19-30, with traverse as provided in the response filed July 6, 2004. Applicants refer the Examiner to the arguments presented in the July 6, 2004 response, which remarks will not be restated herein in the interest of brevity.

In addition to the above-referenced arguments from the July 6, 2004 response, Applicants further traverse herein the restriction requirement between Groups I (drawn to nucleic acids) and II (drawn to pharmaceutical compositions comprising those nucleic acids). According to the Examiner, "Groups I and II are drawn to distinct products lacking the same or corresponding technical feature." However, Applicants note that the pharmaceutical compositions of claims 31 and 32 are not generic pharmaceutical compositions, but pharmaceutical compositions comprising **only** the elected nucleic acid molecules. Accordingly, the technical feature shared by Groups I and II are the specific nucleic acid molecules elected herein (see below), and Applicants respectfully request rejoinder of the claims of Group I (claims 19-30) and Group II (claim 32).

Applicants further note that claim 31 was not included in any group in the present restriction requirement. It appears to Applicants that claim 31 should be included in Group II. Applicants respectfully request that the Examiner address the grouping of claim 31 and include it when considering Applicants' traversals in this and the previous response.

In response to the sequence election requirement, Applicants provisionally elect SEQ ID NO:25, with traverse. MPEP § 1850 states that the USPTO has partially waived 37 C.F.R. 1.475 and 1.499 et seq. to allow applicants to claim up to ten (10) nucleotide sequences in one application, even when they may not have the same or corresponding technical feature. Accordingly, Applicants respectfully request examination of SEQ ID NOs:19-24 and SEQ ID NOs:26-28, in addition to provisionally elected SEQ ID NO:25 (total of ten sequences, comprising SEQ ID NOs:19-28).


The present elections are made solely to comply with the Office Action and should not be construed as a surrender of any subject matter of the application. Applicant reserves the right to file divisional application(s) on the non-elected claims.

Early consideration and allowance of the application are earnestly solicited.

Although it is not believed that any additional fees are needed to consider this submission, the Examiner is hereby authorized to charge our deposit account no. 04-1105 should any fee be deemed necessary.

Respectfully submitted,

Date: October 15, 2004

  
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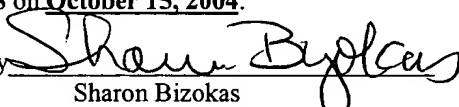
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**TRANSMITTAL LETTER**

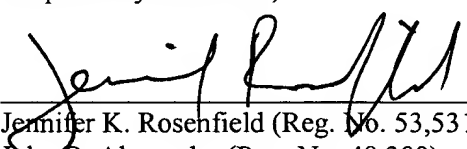
Transmitted herewith for filing in the above-referenced patent application are the following documents:

1. Response to Restriction Requirement (3 pages); and
2. Return Receipt Postcard

The Commissioner is hereby authorized to charge any excess fees that may be required, or credit any overpayment to Deposit Account No. 04-1105. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Date: October 15, 2004

  
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